IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Thursday, the twenty second day of two thousand and four

PRESENT

The Honourable Sri Justice V.Eswaraiah

WRIT PETITION No. 5093 OF 2004

BETWEEN:

K.S.S.Rama Krishna.

Petitioner

And

1. The Commissioner and Director of School Education, Near A.G.Office, Hyderabad.
2. Regional Joint Director of School Education, Guntur District.
3. The District Educational officer, Guntur.
4. M/s.Nagarjuna Residential High School, Rep.by its Correspondent, Vijayapuri South, Nagarjunasagar, Guntur District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, declaring the action of

the respondent No.4 in not permitting the petitioner to report to duties as arbitrary, illegal and against the principles of natural justice and consequently direct the respondent No.4 to permit the petitioner to join duties and pay all the consequential benefits which the petitioner is legally entitled to and (b) to declare the action of the respondents 1 to 3 in not taking any action against the 4th respondent inspite of several representations as arbitrary and illegal and for a consequential direction to the respondents 1 to 3 for payment of salaries which the petitioner is entitled to for the past 3 years.

For the Petitioner: Mr. B.Pratap, Advocate.

For the Respondents: G.P.for Education

Mr.K.G.Krishna Murthy

G.P.for School Education.

The Court made the following:

ORDER :

Heard both the learned counsel appearing for the petitioner as well as the respondents.

The case of the petitioner is that he was appointed as an Attender in an aided post in 4th respondent school by orders dated 12-6-1997 and was discharging duties regularly till 31-7-2000. Thereafter, the petitioner applied leave without pay on 1-8-2000 seeking leave for a period of six months i.e., till 31-1-2001. The 4th respondent also sanctioned Extraordinary Leave. Thereafter, the petitioner filed an application dated 17-1-2001 before the 4th respondent, marking a copy of it to the 3rd respondent seeking extension of leave from 1-2-2001 to 23-4-2001, but the said application was returned with an endorsement 'refused'. As his leave applied by him was refused, the petitioner wanted to join duty. But, the 4th respondent is refusing to

permit the petitioner to enter into the school premises and obstructing him in discharging his duties.

It is stated that the petitioner made a detailed representation dated 8-12-2003 to the 4th respondent, seeking redressal and pass appropriate orders, but the 4th respondent is not considering the said representation dated 8-12-2003.

Without going into the merits of the case on the aforesaid contentions, I am of the view that when a detailed representation has been filed by the petitioner before the 4th respondent on 8-12-2003, the 4th respondent is bound to consider the same and pass appropriate orders in accordance with law.

Having regard to the facts and circumstances of the case, the 4th respondent is directed to consider and dispose of the representation of the petitioner dated 8-12-2003 in accordance with law within two months from the date of receipt of this order.

The Writ Petition is disposed of accordingly. No order as to costs.

_____

V.ESWARAIAH,J

22nd July, 2004.

Shr/Es.

Asst.Registerar.

To

1. The Commissioner and Director of School Education, Near A.G.Office, Hyderabad.
2. Regional Joint Director of School Education, Guntur District.
3. The District Educational officer, Guntur.
4. M/s.Nagarjuna Residential High School, Rep.by its Correspondent, Vijayapuri South, Nagarjunasagar, Guntur District.

5. Two CD copies.

6. Two CCs to G.P., for School Education, High Court Buildings, Hyderabad (OPUC).